

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 358 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 SECTION 1. IC 34-51-6 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2001]:
- 6 Chapter 6. Recovery in Actions for False Imprisonment
- 7 Sec. 1. (a) A plaintiff who prevails in an action for false
- 8 imprisonment is entitled to recover the following:
- 9 (1) The salary or other earnings that the plaintiff presumably
- 10 would have earned during the period of imprisonment if the
- 11 plaintiff had not been imprisoned.
- 12 (2) Attorney's fees.
- 13 Sec. 2. The court shall consider the following factors in
- 14 determining the appropriate amount recoverable with respect to
- 15 the plaintiff's salary or other earnings under section 1(a)(1) of this
- 16 chapter:
- 17 (1) The plaintiff's salary or other earnings preceding the
- 18 time of imprisonment, if any.
- 19 (2) The plaintiff's skill level.
- 20 (3) The average salary in the locality where the plaintiff
- 21 resides for a job held by a person whose skills are similar to
- 22 those of the plaintiff.
- 23 (4) Any other factors that the court considers useful in
- 24 determining the salary or other earnings that the plaintiff
- 25 presumably would have earned if the plaintiff had not been
- 26 imprisoned during the period of imprisonment.
- 27 SECTION 2. [EFFECTIVE JULY 1, 2001] IC 34-51-6, as added

- 1 **by this act, applies only to actions for false imprisonment filed after**
- 2 **June 30, 2001.**
- 3 Renumber all SECTIONS consecutively.
(Reference is to Senate Bill 358 as printed April 6, 2001.)

Representative SMITH V